

AN ACT

RELATING TO PUBLIC ASSISTANCE; CREATING THE GASOLINE AND HOME HEATING RELIEF FUND; PROHIBITING DISCONNECTION OF CERTAIN UTILITY SERVICES FOR LIMITED TIME PERIODS; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. GASOLINE AND HOME HEATING RELIEF FUND--
CREATED.--The "gasoline and home heating relief fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations. Balances in the fund at the end of a fiscal year shall not revert to the general fund. The fund is administered by the department of finance and administration and money in the fund is subject to appropriation by the legislature:

A. to provide gasoline price rebates to New Mexico taxpayers burdened as a result of extremely high gasoline prices;

B. to provide economic relief, in accordance with programs existing within New Mexico law, to New Mexico taxpayers suffering from rapidly increasing home heating costs; and

C. for the low income home energy assistance program.

Section 2. DISCONNECTION OF UTILITY SERVICE--

PROHIBITION--LIMITED TIME.--A utility company shall not discontinue or disconnect service to a residential customer for any billing cycle from November 15 through March 15 for nonpayment if the customer meets the qualifications for the low income home energy assistance program. The utility company shall report the customer's need for assistance to the human services department and the department shall take immediate action to mitigate the problem.

Section 3. APPROPRIATIONS.--

A. The following amounts are appropriated from the general fund to the following agencies for expenditure in fiscal year 2006 for the following purposes:

- (1) twenty three million dollars (\$23,000,000) to the human services department for the low income home energy assistance program;
- (2) two million five hundred thousand dollars (\$2,500,000) to the department of finance and administration for weatherization programs statewide;
- (3) one million five hundred thousand dollars (\$1,500,000) to the department of public safety for fuel costs;
- (4) two million five hundred thousand dollars (\$2,500,000) to the public education department for increased heating costs for public schools;
- (5) two million five hundred thousand

dollars (\$2,500,000) to the public education department for increased school transportation costs for public schools;

(6) three million five hundred thousand dollars (\$3,500,000) to the higher education department for increased heating costs of public post-secondary educational institutions, to be distributed to each institution on a pro rata basis of the difference between fiscal year 2005 actual expenditures for that item and the fiscal year 2006 projections of expenditures as of October 5, 2005; and

(7) two million dollars (\$2,000,000) to the state fire marshal to be divided among the volunteer and predominantly volunteer fire departments to be used for increased fuel and heating costs; provided that the distribution shall be based on ten percent of each department's current-year distribution from the fire protection fund.

B. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

Section 4. SEVERABILITY.--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Section 5. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.
